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Planning Newsletter

LAND USE PLANNING SERIES

"Needed: A New Game Plan"

The following article is the first of a series designed to draw attention to the challenges of contemporary land use planning. Future articles are planned to examine some of the components of the challenge--citizen participation, planning methodology, property rights, legal structure and regulations. Your comments and suggestions are invited.

Earth Day, 1970, underscored the beginning of a nationwide environmental movement which was, in retrospect, hardly more than a paint-up, fix-up, clean-up campaign compared with what has since evolved. Now swirling around and within the original issue of "environmental quality" are its formidable components: the energy crisis, world food supply, property rights, life styles, growth and conservation. And there are good indications that consumerism has been added to the stew as well as citizen participation and open government.

It seems that in our original search for clean air, clean water, green places and open space we have found the thread that is tied to literally everything. We are learning that environment is, in fact, as the dictionary says, all that surrounds us and thus, solutions to environmental problems are to be found in seemingly obscure places and in changing some of our most fundamental political, social and economic precepts. The virtually endless array of potential impacts which are known to be a part of any decision affecting the environment has, to say the least, complicated the lives of land use planners.

The planner, recognizing the possibility of world-wide (if not cosmic) impacts from his plan, will resolve to be totally comprehen-

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IN THIS ISSUE

Legal Briefs
Around the State
Transportation Funds
District Council Corner
Federal Land Use Legislation
"701" Funding Status FY 75-76
Statewide Subdivision Inventory
Directors Hired for 208 Projects
"Butte Forward"--Solving a Dilemma
1974 State & County Population Estimates
Land Use Planning Series: "Needed: A New Game Plan"

sive in his planning effort; that is, relate everything to everything else. In doing so he will realize that everything is, in fact, interrelated, which will most likely induce a comatose state, or at least withdrawal. The results of all this can be ascertained by observing the large number of bookshelves loaded with plans, the virtual absence of plan implementation and the high proportion of immobilized planners to those who are merely reticent.

The dilemma faced by the fully-recovered but somewhat subdued planner is clear: he must stop lurking in the darker recesses of the county courthouse and plan--even though it is not possible. Not possible, that is, unless the process, method and product of planning is fully examined in light of today's needs and an objective examination of contemporary planning.

The examination should start with a close look at the beautifully rational logic of the planning process: a) set goals; b) inventory resources; c) formulate plan; d) implement; e) evaluate, revise and update.

Planners, in seeking support for planning, often relate the planning process to commonplace situations in the lives of individuals. The housewife desires to prepare dinner for her family (goal). She scans the refrigerator for leftovers (inventory of resources) and decides to mix them together in a casserole (formulation of plan) and serve to the family (implementation). She observes the family's reaction at dinner and decides to give the remainder of the casserole to the dog (evaluation, revision and update).

More elaborate demonstrations of the neat and clean planning process include how the farmer plans his operation or how the merchant plans his business. The latter two examples are understandably more complex than planning dinner because of variables in costs, weather, market, etc., and the planner must use these examples with caution to ensure that the logic of his process isn't undermined by having to deal with too many complexities.

The planning process, as described, would appear to be most perfect for the kitchen and less so for the farm and business. It is at least questionable as to whether or not the process can deal at all with the complexities of variables, interrelationships and distant impacts which are so abundant in city, county or state land use planning situations.

The previous discussion attempts to describe some of the difficulties encountered in identifying relationships and impacts, with the suggestion that if identified, implementation of the plan will then accommodate positive impacts and at least mitigate the negative ones. Implementation, however, has been proven to be a major problem in the planning process.

The implementation phase works well in the example of planning dinners simply because the kitchen is a microcosm of a totalitarian state; i.e., the cook is calling all the shots. Successful implementation is less predictable in the case of the farm or business because of the previously-mentioned variables plus other factors such as new and sometimes surprising government regulations which infringe on the "plan" of the farmer or merchant. (These might be called "plans of others" which no one knew about). Nevertheless, plan implementation, as a part of the planning process, is successful to a fairly high degree for the farmer or merchant

because those "planners" are, to some extent, still calling the shots when it comes to making the plan happen.

Let's look at implementation in respect to land use plans devised by cities, counties and states. Again, assuming that the plan itself is valid; that is, all the relationships and impacts have been identified, accommodated and are reflected in the plan, then implementation is the next phase. In the case of the cook, farmer and merchant, the "planner" was also the "plantee". The public land use plan, however, pertains to everybody's land. If the kitchen is a totalitarian state, then the jurisdiction of the public planner is anarchy. To further complicate matters, everyone already has a plan for their land; "plans of others" are rampant. In this delightful setting, the planner must depend, almost totally, on regulations and quick reflexes to implement the plan. Unless, of course, the plan is so good for everyone that it is implemented by acclamation.

The regulations are not by any means under the control of the planner, and thus may not relate to the plan. For example, zoning, the most common regulation for plan implementation, may be recommended by the planner to the planning board. The planning board may recommend the zoning ordinance to the governing body (chief elected officials), who in turn may adopt it, reject it, or do anything else, including putting it on the next ballot. If the ordinance is passed it will contain safeguards, loop-holes and avenues for relief to the extent that zoning has been referred to as the "law of variance and exception." And, finally, the zoning ordinance, if it is passed, will be enforced on a very selective basis.

The preceding observations can be called exaggerated, a little too pat--too neat. For the sake of occasional levity there may be slight exaggeration, although I have seen withdrawn planners. The fact is we do need a fresh, new look at ways to accomplish the goals of planning--goals that are of utmost importance to society. The recent concern for environmental quality and subsequent thinking in ecological terms has not diminished the potential for effective land use planning--it has simply expanded the field of players and complicated the rules.

We need to change our "game plan". Certainly

we must at least evaluate the adequacy of our present land use planning effort in light of the often-cited opportunity, nearly unique to Montana, to plan while there is still time.

---Hal Price

Future editions of the Planning Newsletter will serve as a forum for discussing your thoughts on approaches to land use planning and implementation which are more responsive to today's needs. Your comments are invited.

FEDERAL LAND USE LEGISLATION

The House Interior Committee's vote of 23-19 against passage of Udall's land use bill (HR3510) all but defeated the chances of any other proposed land use legislation being passed this year and chances of new land use legislation prior to 1977 look slim.

The possibility still exists that a watered-down land use bill (S984) may be introduced in the Senate this month by Senator Jackson. The bill requires siting of energy facilities be included in any comprehensive land use program. Congressional inaction on land use issues has forced federal agencies to address them in their respective planning programs. The Department of Housing and Urban Development mandates a state land use element by 1977 in their community development programs. Under the Air and Water Quality Planning Program, the Environmental Protection Agency authorizes local governments to adopt land use controls for improvement of air and water quality standards in their areas. Both programs support state and local controls in implementing appropriate land use planning programs.

LEGAL BRIEFS

The Ninth U.S. Circuit Court of Appeals has overruled the Federal District Court ruling that the Petaluma, California ordinance designed to limit that city's population growth violated the constitutionally protected right to travel. The ordinance limits construction of new housing units to no more than 500 per year.

The appeals court decision is inconclusive as to the validity of the growth control measure, however, because the court did not

address the merits of the "right to travel" argument. Instead the court found that the builders' association which brought the action against Petaluma had failed to establish its legal standing to raise the constitutional issue.

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The issue of land use problems did not die with the unsuccessful attempt to enact interim zoning regulations for the Lake Mary Ronan drainage. A citizens' advisory group, made up of property owners who reside within the drainage, is working with the County Planning Board and the Flathead 208 Project to come up with recommendations as to how land use problems might be solved. This is the first of several groups which will be formed in the county. It is anticipated that all the groups will provide valuable input into the Lake County planning program.

"701" FUNDING STATUS FY 75-76

Two planning appropriation bills for the fiscal year 1975-76 HUD "701" program have been passed by Congress. The Senate version provides \$125 million, while the House recommends only \$50 million. Current funding for the "701" program nationally is \$100 million. Both bills will be placed in Conference Committee to work out a compromise when Congress reconvenes the 1st week of September. Senate conferees appointed include Montana's Senator Mansfield. While the House has not yet appointed conferees, it is reported that Congressman Baucus of Montana is a potential. Both statesmen should be contacted and urged to press for funding of the "701" program at the \$125 million level.

STATEWIDE SUBDIVISION INVENTORY

A statewide inventory of subdivision activity is being conducted by the Department of Community Affairs' Research & Information Systems and Planning Division during the next several months to determine park land dedication or the amount of cash in lieu of land, number of acres, number of lots and date that subdivisions were recorded.

The resulting information will be combined with statistics already compiled by the Department of Revenue on township, range,

section, county and school districts where subdivisions are located.

The final report will provide accurate information on subdivision activity. Copies of the report will be available to the general public. Notice will be published in the Newsletter when the study is completed.

"BUTTE FORWARD" -- SOLVING A DILEMMA

Suburban sprawl and strip commercial development which traditionally cause central business district decline are only minor culprits in the situation being faced in the city of Butte. The threat of eventual expansion of the mining activities of the Anaconda Company, Butte's largest single employer, has been a major contributor toward a serious lack of investment in the cbd. The western edge of the Berkeley Pit--an expansive open pit mine--lies a scant six blocks from the main intersection of the cbd, and although western movement of the pit was halted some time ago, the threat of further mining expansion has formed an effective deterrent to new construction during the past 10 years or so. The declining viability of Butte's cbd has caused some businesses to relocate outside the city, some to relocate to strip-type development elsewhere in the community, and has deterred some major retail outlets from locating within the city at all.

Traditional solutions toward achieving cbd revitalization through private investment or use of federal money in an urban renewal context are impractical because of Butte's dependency on mining activities, which necessitates future use of the land under the cbd's present location. Numerous studies in the past, funded primarily from City-County Planning and HUD "701" funds, have more or less concluded that relocation of the cbd is the only solution. The studies, however, all stopped short of saying just how such a tremendously complex and costly move might actually be accomplished.

In August of 1974, a private, non-profit corporation was formed by chief officers of several local banks, the Anaconda Company, Montana Power Company, and other community leaders in the mining city to determine what could be done about the decline of the uptown central business district situated atop "The Richest Hill on Earth." Designated "Butte Forward, Inc.", and presided over by

Richard R. "Shag" Miller, the corporation has since developed a "CBD Relocation and New Town Project" plan which addresses the dilemma in significant detail.

Jim Murphy, Butte Forward's Executive Director, has stated that the overall aim of the plan is to revitalize Butte's economic base by creating a new central core area with cultural, social and commercial amenities that will allow Butte to capitalize on its locational advantages; Butte is one of few cities in the west which lies on both north-south and east-west major interstate highway routes.

Essentially, Butte Forward's plan is two-fold: 1) the acquisition of the majority of properties in the area to provide a "buffer zone" outside of which no mining effects would be felt for 25 years; 2) simultaneously, a "new town" would be created outside those areas that might be affected by any mining in the future. The new town element of the plan would be funded using conventional real estate financing methods and would be a "balanced community", including not only the reconstituted commercial core for the area, but residential development, parks, recreation areas, schools and churches. Butte Forward has estimated 550 acres would be needed for such a development. Eleven potential sites of this size in the Butte area have been analyzed by the group and options on the most promising three have been obtained to prevent speculation while the project is being studied in greater depth.

Grants from both the U.S. Department of Commerce, EDA, and the Department of Housing and Urban Development for conducting an in-depth development program over the next year have been obtained; local matching funds have been provided by Butte Forward. The Board of Directors has been expanded to include representation from both the city and county as well as from the City-County Planning Board. This expanded board acts as the administering agency for the development program. The program will assess the feasibility of the plan for relocation and identify and analyze feasible alternative solutions.

Board members feel the scope of the development program is sufficiently comprehensive and flexible to provide the strategy and detailed planning necessary to begin implementation of a solution to Butte's cbd

dilemma by July 1 of 1976.

DISTRICT COUNCIL CORNER

Elected officials in the counties forming District 11 (Missoula, Mineral & Ravalli), met in August and approved formation of a Council. The Bear Paw Development Corp., located in District 4, which encompasses the counties of Liberty, Hill & Blaine, is contemplating possible District Council status.

208 PROJECT DIRECTORS HIRED

Project Directors recently hired to head Section 208 Planning Organizations include Howard Vance, Flathead Drainage 208, Kalispell; Allen Bond, Middle Yellowstone APO, Billings; Jim Jezeski, Blue Ribbons of the Big Sky Country APO, Bozeman; and Clark Judy, Yellowstone-Tongue APO, Broadus.

POPULATION ESTIMATES - 1974

Official estimates of the population of the State and its counties released by the Bureau of Census as of July 1, 1974 are as follows:

<u>COUNTY</u>	<u>1974 Estimate</u>	<u>1970 Census</u>	<u>Percent Change</u>
Beaverhead	8,300	8,187	1.6
Big Horn	10,500	10,057	4.4
Blaine	6,800	6,727	0.7
Broadwater	2,700	2,526	6.5
Carbon	7,900	7,080	11.6
Carter	1,900	1,956	(4.9)
Cascade	84,300	81,804	3.0
Chouteau	6,400	6,473	(0.8)
Custer	12,300	12,174	1.3
Daniels	3,200	3,083	2.7
Dawson	10,900	11,267	(2.9)
Deer Lodge	15,100	15,652	(3.5)
Fallon	3,900	4,050	(4.8)
Fergus	12,900	12,611	2.7
Flathead	42,600	39,460	7.9
Gallatin	36,000	32,505	10.7
Garfield	1,600	1,796	(8.9)
Glacier	11,400	10,783	5.4
Golden Valley	900	931	(0.9)
Granite	2,700	2,737	(1.4)
Hill	17,700	17,358	2.1
Jefferson	6,900	5,238	32.4
Judith Basin	2,700	2,667	0.1
Lake	16,700	14,445	15.6
L & C	36,000	33,281	8.2

<u>COUNTY</u>	<u>1974 Estimate</u>	<u>1970 Census</u>	<u>Percent Change</u>
Liberty	2,300	2,359	(1.5)
Lincoln	17,000	18,063	(5.9)
McCone	2,700	2,875	(4.8)
Madison	5,900	5,014	17.9
Meagher	2,100	2,122	(0.8)
Mineral	3,600	2,958	21.8
Missoula	63,700	58,263	9.4
Musselshell	4,200	3,734	12.7
Park	11,900	11,261	5.4
Petroleum	600	675	(5.3)
Phillips	5,500	5,386	1.4
Pondera	6,700	6,611	1.4
Powder River	2,200	2,862	(23.9)
Powell	7,400	6,660	10.7
Prairie	1,900	1,752	8.0
Ravalli	17,900	14,409	23.9
Richland	9,900	9,837	0.9
Roosevelt	10,500	10,365	1.4
Rosebud	7,700	6,032	27.3
Sanders	7,800	7,093	10.6
Sheridan	5,300	5,779	(8.0)
Silver Bow	43,200	41,981	3.0
Stillwater	5,200	4,632	12.4
Sweet Grass	3,100	2,980	3.5
Teton	6,400	6,116	4.4
Toole	5,400	5,839	(6.9)
Treasure	1,200	1,069	14.3
Valley	13,000	11,471	13.7
Wheatland	2,500	2,529	(0.6)
Wibaux	1,400	1,465	(4.8)
Yellowstone	94,300	87,367	7.9
Montana.....	735,000.....	694,409.....	5.8

TRANSPORTATION FUNDS

Approximately \$100,000 from the U.S. Department of Transportation has been apportioned among select Montana communities for the purchase of mini-buses under the "Elderly and Handicapped" program.

Those receiving funds include Billings, Great Falls, Kalispell, Malta, Glasgow, Lewistown, Hamilton, Conrad, Missoula, Polson and Dillon.

AROUND THE STATE

Five members have been appointed to the Fergus County Planning Board, the state's 45th countywide board. Appointees include Joe Wicks and Gene Chapel, Lewistown; Mrs. Louise Butcher, Winifred; Vestal Hershberger,

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Denton; and William Snapp, Jr., Danvers.

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Robert Booth has been selected by the Mineral County Planning Board to succeed Millard Hulse as county planner. Booth is a graduate of the University of Idaho with a B. S. in Geology. He has considerable experience in the field of health planning. Hulse has accepted a position with the General Services Administration in Washington, D.C.

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Jack Wright, a graduate student from the University of Montana is presently participating in a six-month internship program in Granite County. The internship program is sponsored by the county, the Department of Geography at the University of Montana and the Department of Community Affairs. Wright will be working under the guidance and supervision of Sylvan Lutey, the Granite County Planning Director.

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Custer and Powder River counties have combined Old West Commission funds and hired a planner to assist their respective planning boards. Barbara Kennedy, a land use consultant to the North Dakota Public Investment Program and Plan in Bismarck, began her duties September 1.

Barbara has held various positions in the past, including development specialist in North Dakota; Director of Community Affairs in Towanda, Pennsylvania; and directing a housing program in Appleton, Wisconsin. She has B.A.'s in architecture and sociology from the University of New Mexico in Albuquerque. Her extensive background in both planning and social services will be invaluable in the two-county area.

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